REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 4-8, 13-17, 20-24, 29-32, 39 and 40 are pending, with claims 1 and 17 amended by the present amendment. Claims 1 and 17 are independent.

In the Official Action, claims 1, 4-8, 13-17, 20-24, 29-32, 39 and 40 were rejected under 35 U.S.C. § 103(a) as being obvious over Choi (U.S. Patent Pub. No. 2003/0236905) in view of Sato (U.S. Patent No. 5,884,004), and Omoigui (U.S. Patent No. 7,237,254).

Claims 1 and 17 are amended cosmetically to more clearly describe and distinctly claim Applicant's invention. Support for this amendment is found in Applicant's originally filed specification. No new matter is added. Because the current amendment merely clarifies grammar, Applicant requests entry of the amendment under 37 C.F.R. § 1.116.

Briefly recapitulating, claim 1 is directed to:

> A method of reproducing, by a content reproducing device, content information stored on a recording medium, the method comprising:
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> reproducing ***a first stream of data read out from the recording medium*** in synchronization with ***a second stream of data received from a content providing server over a network based on a first command sent from the content reproducing device to the content providing server***, the first stream of data comprising audio/video data and the second stream of data comprising content data associated with the first stream of data;
>
> sensing a failure in receiving the second stream of data; and
>
> upon sensing the failure, re-synchronizing the first stream of data with the second stream of data based on information for synchronization or re-synchronization included in the second stream of data, thereby ***simultaneously and synchronously reproducing the first stream of data together with the second stream of data,***
>
> ***wherein the information in the second stream of data includes data rate information of the second stream of data and/or size information of the second stream of data.***

Independent claim 17 is directed to an apparatus for reproducing content information that re-synchronizes a first stream of data with a second stream of data based on information for synchronization or re-synchronization included in the second stream of data, thereby simultaneously and synchronously reproducing the first stream of data together with the second stream of data.

Choi describes a method of streaming media content from a server to at least one client. The method includes: establishing a streaming media connection between the server and the at least one client; streaming the media content from the server to the client; receiving, by the client, the streamed media content from the server; sending a reconnect request from the client to the server if the streaming is interrupted; receiving, by the server, the reconnect request from the client; re-establishing the streaming media connection with the client; and continuing with the streaming the media content and the receiving the streamed media content.

The Official Action cites to Choi's paragraph [005] for a teaching of Applicant's claimed step of "upon sensing the failure, re-synchronizing the first stream of data with the second stream of data based on information for synchronization or re-synchronization included in the second stream of data." Applicant traverses for the following reasons. Choi's paragraph [005] recites that Choi's invention includes a "method of streaming media content from a server to at least one client. In particular, the invention includes server software executing on the server communicating with client software executing on the client. If the streaming is interrupted, the server software and the client software exchange messages to re-map a state of the client and re-synchronize playback of the content." However, this paragraph is merely the opening paragraph of the Summary Of Invention portion of Choi's disclosure. This paragraph does not clarify just what is being re-mapped and resychronized. Indeed, a careful reading of the Detailed

Description of Choi reveals no specific details that would support a finding that what is being re-synchronized is a) a first stream with a second stream, let alone b) a first stream with a second stream based on information for synchronization or re-synchronization included in the second stream of data. Instead, in Choi, there is only one stream of data. Choi's passing mention of resynchronization appears to be directed toward re-synchronizing the playback of a single stream between a client and a server. That is, there is a single stream of data between the Choi's client and server. Choi's client plays back this stream in synchronism with how the stream is being provided by the server. If Choi's single stream is interrupted, play back at the client is no longer synchronized with how the single stream is being produced by the server. Choi allegedly describes messages for remapping so that the single stream may be resynchronized.

Sato describes a bit stream generating method for generating a bit stream containing a plurality of video objects (VOB) including video data and audio data stored on an optical disc (M). Sato describes a method and apparatus enabling seamless data reproduction using an optical disk having a data structure whereby data is shared between plural titles to efficiently use the available optical disk space, as well as "multi-angle scene reproduction."

Sato notes that because MPEG video data is compressed with variable length coding, the data quantity in each group-of-pictures (GOP) is not constant. The video and audio decoding times also differ, and the time-base relationship between the video and audio data read from an optical disk, and the time-base relationship between the video and audio data output from the decoder, do not match. Thus, Sato provides a method for time-base synchronizing the video and audio data.

Sato further notes that when two MPEG system streams are seamlessly connected but the audio components of the two system streams are not contiguous, particularly immediately before

and after the seam, it is necessary to pause the audio output to synchronize (resynchronize) the audio and video components of the system stream following the seam. To enable this resynchronization, audio reproduction stopping times 1 and 2 are declared in a DSI packet.

However, Sato does not cure the above-identified deficiencies of Choi. Furthermore, as acknowledged by the Official Action, Choi and Sato fail to disclose or suggest Applicant's claimed "simultaneously and synchronously reproducing the first stream of data together with the second stream of data." To cure this deficiency, the Official Action applies Omoigui.

Omoigui describes a method for rendering a stream of data at different playback speeds. The method includes: receiving from a server via a network a stream of data for a first playback speed; rendering the received stream of data at the first playback speed; switching the rendering of the received stream of data from at the first playback speed to at a second playback speed that is greater than the first playback speed; notifying the server of the second playback speed; and after switching the rendering, initially receiving from the server the stream of data that is timeline-modified for a third playback speed that is greater than the second playback speed and then receiving from the server the stream of data that is timeline-modified for the second playback speed wherein the data received for the third playback speed are rendered at the switched second playback speed.

However, Omoigui does not cure the above-identified deficiencies of Choi. Instead, Omoigui describes a composite media stream that includes a plurality of individual media streams representing multimedia content. Each of the individual media streams corresponds to and represents a different media type. Each of the media streams can be rendered by a network client to produce a user-perceivable presentation using a particular presentation medium. The individual media streams have their own timelines, which are synchronized with each other so

that the media streams can be rendered simultaneously for a coordinated multimedia presentation. The individual timelines define the timeline of the composite stream. However, while Omoigui's different media streams can be synchronized with each other, Omoigui does not disclose or suggest synchronizing a first stream with a second stream based on information for synchronization or re-synchronization included in the second stream of data.

As none of the cited art, individually or in combination, discloses or suggests at least the above-noted features of independent claims 1 and 17, Applicant submits the inventions defined by claims 1 and 17, and all claims depending therefrom, are not rendered obvious by the asserted references for at least the reasons stated above.

MPEP 2141 notes that prior art is not limited just to the references being applied, but includes the understanding of one of ordinary skill in the art. MPEP 2141 further notes that the prior art reference (or references when combined) need not teach or suggest all the claim limitations. However, an obviousness-type rejection must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art. MPEP 2141 goes on to list exemplary rationales that may support a conclusion of obviousness. However, Applicant submits that the Official Action and the applied references present no objective evidence that would support an obviousness-type rejection of Applicant's independent claims based on one of these exemplary rationales.

CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael E. Monaco, Reg. No. 52,041, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

By _____

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